

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FIDELITY MANAGEMENT TRUST
COMPANY, as Collateral Agent for Mellon
Bank, N.A., as Trustee of Bell Atlantic
Master Trust with Respect to Account C,
Plaintiff,

v.

RICCARDO OLIVIERI, an individual,
Defendant.

Civil Action No. 04-cv-11873-NMG

**ASSENTED TO MOTION FOR EXTENSION
OF TIME TO RESPOND TO COMPLAINT**

The Defendant moves that the time within which he must respond to the Complaint be extended through October 8, 2004. This motion has been assented to. In further support, the Defendant states:

1. This action was originally filed on July 15, 2004 in the Massachusetts Trial Court, and was removed to this Court on August 27, 2004.
2. The Defendant is filing with this motion "Defendant's Motion for Procedural Order with Respect to Filing Answer or Other Responsive Pleading" (the "Procedural Motion"). In the Procedural Motion the Defendant requests that the time for filing a responsive pleading be extended until 20 days after this Court has ruled on various motions.
3. On September 22, 2004, Plaintiff filed "Fidelity Management Trust Company's Motion to Vacate Removal and for Remand" ("Remand Motion"), a response to which is due by October 7, 2004. The Remand Motion seeks to remand this case to the Massachusetts Trial Court.

4. In addition, the Defendant will file, a motion to transfer the venue of this matter to the United States Bankruptcy Court for the Southern District of Florida, where related Bankruptcy actions are pending and where the issues raised in Fidelity's Complaint are already the subject matter of a pending adversary proceeding. These other actions have been described more fully in the Notice of Removal dated August 27, 2004, and in the "Assented to Motion for Enlargement of Time to Respond to Plaintiff's Complaint" dated September 3, 2004.

5. Defendant's response to the Complaint will necessarily be intricately entwined with some of the issues raised in the Remand Motion.

6. The relief requested herein will not prejudice any party, will not delay or have an adverse effect on this Court's administration of this case, and will facilitate the efficient administration of this case.

7. Plaintiff's assent to this motion does not constitute its assent to the Procedural Motion.

WHEREFORE DEFENDANT REQUESTS that the time within which he must file an answer or other responsive pleading to the Complaint be extended to and including October 8, 2004, as assented to by the plaintiff.

RICCARDO OLIVIERI
By his attorneys,

/s/ Kenneth J. DeMoura
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ASSENTED TO:
/s/ Anthony M. Feeherry
Anthony M. Feeherry, Esq., Counsel for Plaintiff
Dated: September 23, 2004